THE

MYSORE GAZETTE.

Vol. XXXI.] Published by Authority. [No. 50.

BANGALORE, THURSDAY, DECEMBER 17, 1896.

PART III.

ACTS AND REGULATIONS PASSED BY THE GOVT. OF MYSORE.

LEGISLATIVE DEPARTMENT.

REGULATION No. III OF 1896.

(*Passed on the 5th day of November* 1896.)

A Regulation to amend the Indian Limitation Act XV of 1877 as extended to Mysore by the Governor-General's Notification No. 174 J., dated 26th October 1877, and as amended by Act XII of 1879 as introduced into Mysore by the Government of India Notification No. 320, dated 19th November 1879.

Whereas it is expedient to amend the Indian Limitation Act (Act XV of 1877), as it is in force in the Territories of Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

1. Throughout the said Act for the words "British India" read "the Territories of Mysore"; and for the words "a High Court" read "the Chief Court."

2. In Section 1 omit the words commencing from "but" down to "VI of 1831;" and for the words "October, 1877." substitute "January, 1878."

3. In Section 2 omit para 1, the word "but" in para 2, and para 3.

4. After Section 5 insert the following section:—

"5 A. Whenever it is shown to the satisfaction of the Court that an appeal or an application for a review of judgment was presented after the expiration of the period of limitation prescribed for such appeal or application owing to the appellant or applicant having been misled by any order, or practice, or judgment of the Chief Court, such appeal or application, if otherwise in accordance with law, shall for all purposes be deemed by all Courts to have been presented within the period of limitation prescribed therefor."

5. Omit Schedule I.

6. Omit Articles 1, 4, 45 and 46 of Schedule II.

7. In Column 1 of Article 7 omit the words "not provided for by this schedule, No. 4."

8. In Clause (*b*) of Article 12 for the word "Collector" read "Deputy Commissioner".

9. For Column 1 of Article 20 read "By executors, administrators or representatives under any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to a person deceased."

10. In Article 21 for the words and figures "Act No. XIII of 1855" read "Regulation II of 1892".

11. In Article 33 for the words and figures "Act No. XII of 1855 (*to enable executors, administrators or representatives to sue and be sued for certain wrongs*)" read "any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to or by a person deceased."

12. In Article 47 for the word and figures "Chapter XL," read "Chapter XII,"; and for the words "or the Bombay Mamlatdars Courts Act," read "or the Mysore Land Revenue Code, 1888," .

13. In Columns 1 and 3 of Article 84 for the words "Attorney or Vakil" substitute the words "Advocate or Pleader" .

14. In Article 135 omit the words "instituted in a Court not established by Royal Charter" .

15. Omit Article 146.

16. In Column 3 of Article 148 omit the proviso.

17. In Article 149 for the words "Secretary of State for India in Council." read "Government of Mysore." .

18. In Article 151 for the words "of any of the High Courts of Judicature at Fort William, Madras and Bombay" read "of the Chief Court" .

19. Omit Article 153.

20. In Article 156 for the words and figures "except in the cases provided for by No. 151 and No. 153." read "except in the case provided for by No. 151." .

21. After Article 160 insert the following :—

"160A. For a review of judgment by a Court of Small Causes or by a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction.	Ditto	The date of the decree or order."

22. Omit Article 161.

23. In Article 162 for the words "by any of the High Courts of Judicature at Fort William, Madras and Bombay" read "by the Chief Court." .

24. Omit Articles 171, 171A and 171B.

25. For No. 171C substitute the following :—

"171. Under Section 371 of the Code of Civil Procedure, or under that section and Section 582 of the same Code, for an order to set aside an order for abatement or dismissal.	Sixty days.	The date of the order for abatement or dismissal."

26. In Column 1 of Article 173 before the word and figures "No. 162" insert the words, letter and figures "No. 160A and" .

27. After Article 173 insert the following :—

"173A. For the issue of a notice under Section 258 of the Civil Procedure Code to show cause why the payment or adjustment therein mentioned should not be recorded as certified, when a process in execution of the judgment has been executed upon the applicant within one year of such payment or adjustment.	Ditto	From the date of executing such process."

28. After Article 175 insert the following :—

"175A. Under Section 365 of the Code of Civil Procedure by the legal representative of a deceased plaintiff, or under that section and Section 582 of the same Code by the legal representative of a deceased plaintiff-appellant or defendant-appellant.	Six months.	The date of the death of the deceased plaintiff or of the deceased plaintiff-appellant or defendant-appellant.
"175B. Under Section 366 of the Code of Civil Procedure by a defendant, or under that section and Section 582 of the same Code by a plaintiff-respondent or defendant-respondent.	Ditto	The date of the death of the deceased plaintiff or of the deceased defendant-appellant or plaintiff-appellant.
"175C. Under Section 368 of the Code of Civil Procedure to have the legal representative of a deceased defendant made a defendant, or under that section and Section 582 of the same Code to have the legal representative of a deceased plaintiff-respondent or defendant-respondent made a plaintiff-respondent or defendant-respondent.	Ditto	The date of the death of the deceased defendant or of the deceased plaintiff-respondent or defendant-respondent."

29. Omit Article 177, the words and figures "by No. 180 or" in Column 1 of Article 179, and Article 180.

30. After Article 177 insert the following :—

"177A. For the issue of a notice under Section 258 of the Civil Procedure Code to show cause why the payment or adjustment therein mentioned should not be recorded as certified in cases other than those provided for in Article 173A.	One year.	When the payment or adjustment is made."

K. SHESHADRI IYER,
Dewan of Mysore.